



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,014	09/05/2003	Dave Timmermann	Haworth C-339	1743
30720	7590	04/06/2006	EXAMINER	
FLYNN, THIEL, BOUTELL & TANIS, P.C.			YIP, WINNIE S	
2026 RAMBLING ROAD			ART UNIT	
KALAMAZOO, MI 49008-1631			PAPER NUMBER	

3636

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,014	Applicant(s) TIMMERMANN ET AL.	
	Examiner Winnie Yip	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-14 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-6, 15 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's amendment filed on January 17, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

1. Claims 1-6, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regard to claims 1, 3, and 15, the language “each said sidewall structure including the exterior sidewall and the upright fixed thereto being an integral, monolithic, one-piece structure formed from a single flat metal sheet” (claim 1, lines 30-33; and claim 3, line 5; claim 15, lines 25-28) is confusing whether applicant intends to claim the sidewall and the uprights being an integral, or monolithic, or a one-piece structure? And is not clear whether the sidewall being or the sidewall including uprights being “formed from a single flat metal sheet”? However, if the uprights “fixed” to the sidewall, then they are an integral structure but not a “one-piece” structure. The term “integral” and “one-piece” are inconsistent each other.

Claim Rejections - 35 USC § 102

2. Claims 1-6, 15, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Liebertz (US Patent No. 5,775,786).

Liebertz shows and discloses an upright multiple-drawer storage cabinet (11), comprising: an upright hollow housing (11) having a U-shaped upright wall arrangement

Art Unit: 3636

including right and left upright side walls (12, 13) spaced by a top wall (15), a bottom base (16), an upright rear wall (14), the housing defining an interior chamber and a front side of the housing defining an access opening for accessing the interior chamber, front and rear vertically elongate and parallel uprights (33, 34) fixed to an inside surface of each sidewall, each upright (33, 34) being a channel-shaped member with a plurality of vertically-spaced openings (94) formed thereon, a plurality of horizontally movable drawer units (25) posited within the interior chamber, each drawer unit (25) having a pair of horizontally elongated slide units (28) fixed on opposite sides of the drawer unit, each of the slide unit having a rail structure (28) provided with flanges (71, 74) to engage in the openings respectively, the sidewall and the rear wall structures each being a one-piece a single unit formed from a flat metal sheet by roll-formed process, and a front side of the sidewall having a bend portion (17).

Allowable Subject Matter

3. Claims 7-14, and 16-19 are allowed.

Response to Arguments


4. Applicant's arguments with respect to claims 1-6 and 15 have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

Art Unit: 3636

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

wsy

March 31, 2006

6/16

*approved
by 3/28/06*

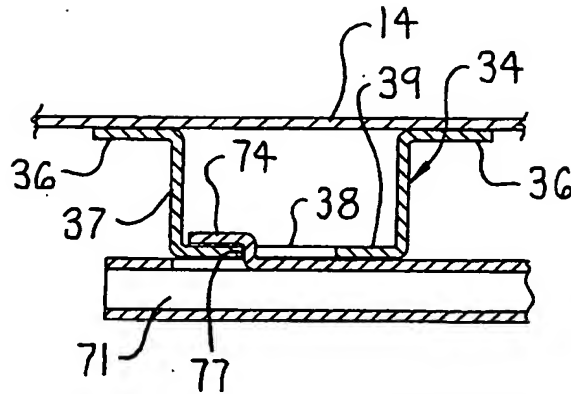


FIG. 11

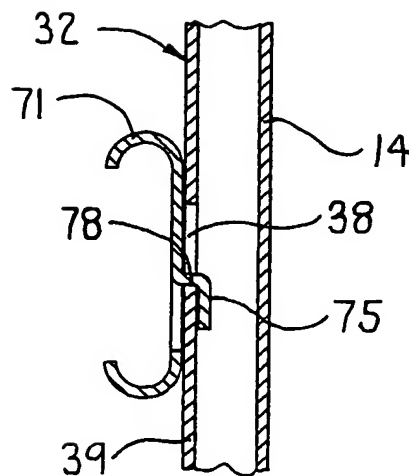


FIG. 12

12/16

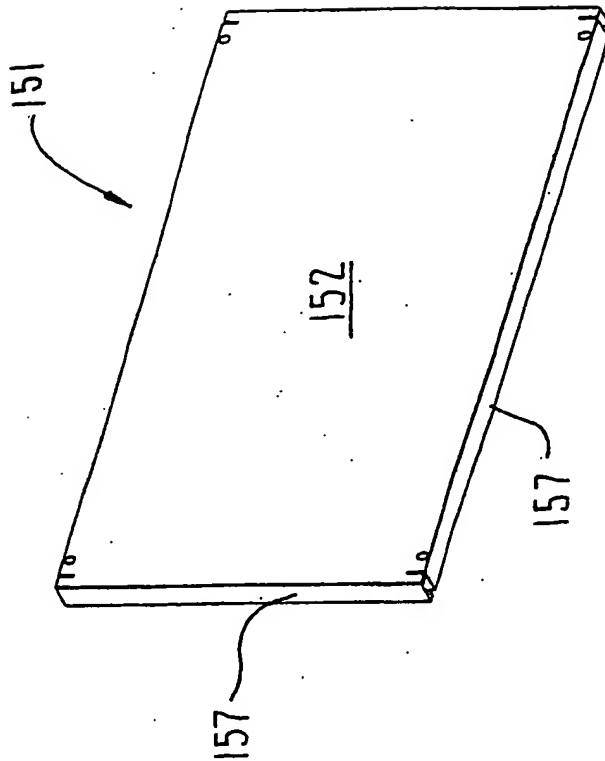


FIG. 23

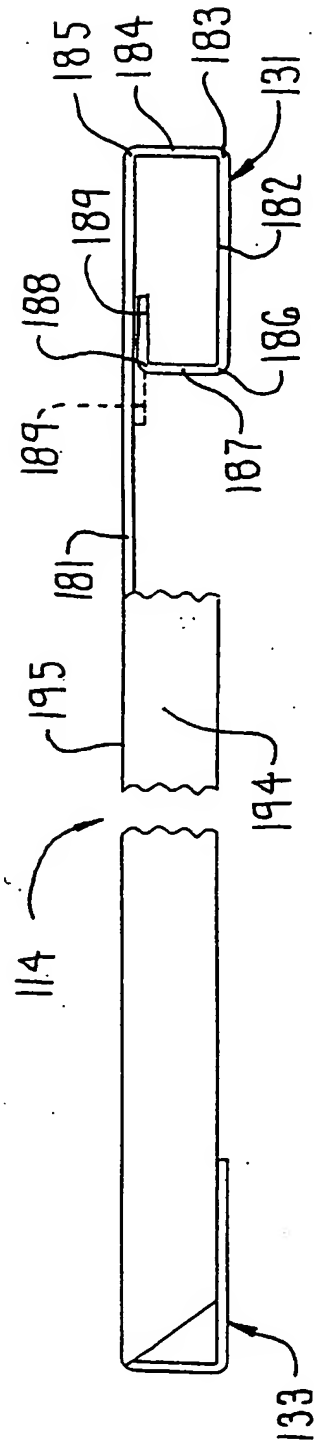


FIG. 19